

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): Kwok et al.
Docket No.: YOR920010252US2
Serial No.: 10/079,741
Filing Date: February 19, 2002
Group: 2164
Examiner: Sathyanaraya R. Pannala

Title: Retrieving Handwritten Documents Using Multiple Document Recognizers and
Techniques Allowing Both Typed and Handwritten Queries

TRANSMITTAL LETTER

Mail Stop Appeal Brief - Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are the following documents relating to the above-identified patent application:

1. Petition for Withdrawal of Holding of Abandonment; and
2. Four Times Corrected Appeal Brief.

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **IBM Corporation's Deposit Account No. 50-0510** as required to correct the error a duplicate copy of this letter is enclosed.

Respectfully,



Date: February 21, 2007

Kevin M. Mason
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Reg. No. 36,597
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Queries

PEITIION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. The above-identified application became abandoned for failure to comply with 37 CFR §41.37(c) because no proper response with a mapping of each independent claim to the disclosure with specific page and line numbers and figures, if applicable, was allegedly received in response to three Notifications of Non-Compliant Appeal Brief, as indicated in the Communication Regarding Appeal, attached hereto as Exhibit A.

2. Applicants note that Rule 41.37(d) states that an appeal can be dismissed if an appellant does not file an amended brief within the set time period, or files an amended brief which does not overcome all the reasons for non-compliance stated in the notification.

3. Applicants submit that each response to the Notification of Non-Compliant Appeal Brief, including the Three Times Corrected Appeal Brief submitted on November 16, 2006, was filed within the set time period.

5 4. Applicants submit that the Three Times Corrected Appeal Brief submitted on November 16, 2006 was in compliance with 37 CFR 41.37 (c)(1)(v) and addressed all of the Examiner's comments in support of the Notification of Non-Compliant Appeal Brief.

10 5 Applicants note that, in a telephone interview on Friday, February 9, 2007, the Examiner indicated that the Three Times Corrected Appeal Brief did not overcome all the reasons for Non-Compliance because the length of the citations utilized in mapping each independent claim to the disclosure in the Summary of Claimed Subject Matter was unacceptably long. Applicants note, however, that 37 CFR 41.37 (c)(1)(v) does not
15 provide any guidance nor make any requirements regarding the length of the citations, and note that the Examiner's comments in support of the Notice of Non-Compliance did not indicate that the length of the citations was inappropriate. Applicants made a good faith effort to respond to address the deficiencies identified in the cited Notification of Non-Compliant Appeal Brief. Applicants submit herewith a Four Times Corrected
20 Appeal Brief that is believed to address all of the stated deficiencies and to be fully compliant with 37 CFR 41.37 (c)(1)(v).

6. Applicants submit, therefore, that the dismissal of the Appeal was improper and respectfully request that the dismissal be withdrawn.

25 7. In the event, that the dismissal is not withdrawn, Applicants hereby request that this response be treated as a Petition for Revival of an Application for Patent Abandoned Unintentionally.

8. Applicants maintain that a petition fee should not be charged since Applicants submitted a timely response that overcame the reasons for Non-Compliance, and since a petition in accordance with 37 CFR 1.181(a) does not require a fee

5 9 Petition Fee: In the event that a Petition Fee is due, please charge **Deposit Account No. 50-0510** the required fee to cover the petition fee due under 37 CFR 1.17(m). In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Deposit Account No. 50-0510** as required to correct the error.

10 10. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.37(b) was unintentional.

15 Respectfully submitted,



Date: February 21, 2007

Kevin M. Mason
Attorney for Applicant(s)
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UNITED STATES PATENT AND TRADEMARK OFFICE

EXHIBIT A

1500-210

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

COPY

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079 741	02/19/2002	Thomas Yu-Kiu Kwok	YOR920010252US2	7574

48062 7590 01/17/2007
RYAN, MASON & LEWIS, LLP
1300 POST ROAD
SUITE 205
FAIRFIELD, CT 06824

RECEIVED
JAN 22 2007

EXAMINER

PANNALA SATHYANARAYA R

ART UNIT	PAPER NUMBER
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2164

MAIL DATE	DELIVERY MODE
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01/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

RECEIVED: 1/22/07

DUE: 1/29/07

BY: [Signature]

Call
Examiner

emailed 1/24/07

Communication Re: Appeal

Application No.

10/079,741

Examiner

Sathyanarayan Pannala

Applicant(s)

KWOK ET AL.

Art Unit

2164

COPY

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☐ The Notice of Appeal filed on _____ is not acceptable because:

- (a) ☐ it was not timely filed.
- (b) ☐ the statutory fee for filing the appeal was not submitted. See 37 CFR 41.20(b)(1).
- (c) ☐ the appeal fee received on _____ was not timely filed.
- (d) ☐ the submitted fee of \$_____ is insufficient. The appeal fee required by 37 CFR 41.20(b)(1) is \$_____.
- (e) ☐ the appeal is not in compliance with 37 CFR 41.31(a)(1) in that no claim has been twice rejected.
- (f) ☐ a Notice of Allowability, PTO-37, was mailed by the Office on _____.

2. ☐ The appeal brief filed on _____ is NOT acceptable for the reason(s) indicated below:

- (a) ☐ the brief and/or brief fee is untimely. See 37 CFR 41.37(a).
- (b) ☐ the statutory fee for filing the brief has not been submitted. See 37 CFR 41.20(b)(2).
- (c) ☐ the submitted brief fee of \$_____ is insufficient. The brief fee required by 37 CFR 41.20(b)(2) is \$_____.

The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. See 37 CFR 41.37(a)(1). Extensions of time may be obtained under 37 CFR 1.136(a). See 37 CFR 41.37(e).

3. ☒ The appeal in this application is DISMISSED because:

- (a) ☐ the statutory fee for filing the brief as required under 37 CFR 41.20(b)(2) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.
- (b) ☐ the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.
- (c) ☐ a Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on _____.
- (d) ☒ other: Failure to comply 37 CFR § 41.37(c). Because three times Non-Compliance Office Actions have been sent and no proper response with mapping each independent claim to disclosure specific page and line numbers and figure(s), if applicable mapping to elements of figure(s).

4. ☒ Because of the dismissal of the appeal, this application:

- (a) ☒ is abandoned because there are no allowed claims.
- (b) ☐ is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED.
- (c) ☐ is before the examiner for consideration.

C. Rones
CHARLES RONES
SUPERVISORY PATENT EXAMINER

S. Pannala
Primary Examiner